



1 WHEREAS, the purpose of the November Stipulation and November Order was to  
2 reschedule the hearing on the Motion to Dismiss and Case Management Conference to February  
3 1, 2008 in order for the parties to engage in settlement discussions and schedule a mediation;

4 WHEREAS, since the November Stipulation and November Order, the parties have  
5 continued to engage in settlement negotiations and, based on the progress thereof, have  
6 determined that it has not been necessary to schedule a mediation as of yet;

7 WHEREAS, the parties have agreed to continue the Motion to Dismiss hearing and the  
8 Case Management Conference to March 14, 2008;

9 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs, Foundry Networks,  
10 Inc. and all of the remaining Individual Defendants, through their respective counsel of record,  
11 as follows:

12 1. The hearing on nominal defendant Foundry Networks, Inc.'s Motion to Dismiss is  
13 rescheduled to March 14, 2008 at 9:00 a.m.

14 2. The Case Management Conference is rescheduled to March 14, 2008 at 9:00 a.m.

15 3. The parties agree that, by entering into this stipulation, they do not waive any  
16 claim, argument or defense that they may have in this action and that nothing in this stipulation  
17 limits the rights of any party to take any action not inconsistent with its express terms.

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19  
20 Dated: January 24, 2008

DLA PIPER US LLP

21  
22 By: /s/ Gerard A. Trippitelli  
23 GERARD A. TRIPPITELLI

24 Attorneys for Nominal Defendant Foundry  
25 Networks, Inc. and Defendants Laurence L.  
26 Akin, Ken K. Cheng, John P. Burger, Benjamin  
27 D. Taft, Paul L. Twombly, Richard W.  
28 Bridges, Chandra Kopparapu, Ivy Pei Shan  
Hsu, Karl D. Triebes, Lee Chen, Robert W.  
Shackleton, William S. Kallaos, Andrew K.  
Ludwick

1 Dated: January 24, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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4

By: /s/ Cynthia A. Dy  
CYNTHIA A. DY

5

Attorneys for Defendant Bobby R. Johnson, Jr.

6

7 Dated: January 24, 2008

KEKER & VAN NEST LLP

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9

By: /s/ Elliot R. Peters  
ELLIOT R. PETERS

10

Attorneys for Defendant Timothy D. Heffner

11

12 Dated: January 24, 2008

COOLEY GODWARD KRONISH LLP

13

14

By: /s/ John C. Dwyer  
JOHN C. DWYER

15

Attorneys for Defendants Alfred J. Amoroso,  
C. Nicholas Keating, Jr., and J. Steven Young

16

17

18 Dated: January 24, 2008

SCHIFFRIN BARROWAY TOPAZ &  
KESSLER LLP

19

20

By: /s/ Nichole Browning  
NICHOLE BROWNING

21

Co-Lead Counsel for Plaintiffs

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23

24 Dated: January 24, 2008

KELLER ROHRBACK L.L.P.

25

26

By: /s/ Juli E. Farris  
JULI E. FARRIS

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Co-Lead Counsel for Plaintiffs

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**Attestation Pursuant to General Order 45**

I, Gerard A. Trippitelli, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 24th day of January, 2008 at San Diego, California.

/s/ GERARD A. TRIPPITELLI  
GERARD A. TRIPPITELLI

\* \* \* \*

**[ ] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/30/08

*Ronald M. Whyte*  
THE HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE